

Chichester District Council

CORPORATE GOVERNANCE & AUDIT COMMITTEE 30 October 2023

Complaints, Freedom of Information Requests and Data Protection Analysis – 2022/23

1. Contacts

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2. Recommendation

2.1 The Committee note the contents of this report.

3. Background

3.1 The management of complaints, freedom of information requests (FOI) and subject access requests (SAR) is a crucial part of the responsibilities undertaken by the Council. Effective and correct management of these services ensures that users receive prompt and informed responses. It also ensures the Council acknowledge quickly when mistakes have been made, puts them right effectively and apologises, where appropriate, thereby making certain that lessons are learnt to improve services and performance.

3.2 The Council's complaints procedure is a three-stage process as summarised below.

Stage 1 – Initial complaint investigated by the Manager/Senior Officer responsible for the service team. A response is sent within 10 working days.

Stage 2 - If the customer is dissatisfied with the response from the Stage 1 outcome, they can ask for the complaint to be reviewed by a more senior manager. A response is sent within 15 working days.

If at any stage of the procedure the complaint investigation is likely to take longer than the specified time, the customer will be informed when they can expect a full reply.

Stage 3 - If the customer remains dissatisfied with the Council's response, they are offered the opportunity to seek an independent investigation by the Local Government Ombudsman. Details of how to contact the Ombudsman are provided in the Stage 2 outcome response.

From April 2022 – March 2023 the council received a total of 118 complaints compared to 150 for the period 01 April 2021 - 31 March 2022, amounting to a decrease of 21.3%.

- 3.3 Of the 118 complaints received in 2022/23, 67.8% were answered on time by the service team.
- 3.4 Compared to 2021/22, Stage 1 complaints have decreased by 28%; Stage 2 complaints have decreased by 17% and Ombudsman complaints have increased by 55%.
- 3.5 Analysis of complaints over the last three years is attached as Appendix 1.
- 3.6 The number of formal complaints dealt with by the District Council is a fraction of 1% of the total transactions with the public. If taken as a percentage of face to face and telephone interactions to the Customer Service Centre, it would be 0.1% however there are many more customer contacts through other channels.
- 3.7 The analysis of complaints also includes whether the complaint was upheld; partially upheld or not upheld. If the customer's complaint is upheld, they will receive an apology and where appropriate, be given details of any actions that we will take to remedy the situation or at least put things right for the future. If the complaint is partially upheld (i.e., the outcome of the investigation finds in part that the Council made an error), they will receive an apology and explanation and where appropriate, be given details of any action taken to remedy the situation or at least put things right for the future. If the complaint is not upheld the customer will be given an explanation. Of the 118 complaints received; 18 were upheld; 33 partially upheld and 66 not upheld, 1 complaint has yet to be decided by the Ombudsman. Please see the table below for ease of reference.

Most of the upheld complaints were due to delayed response times or relating to procedures followed. For example, 5 complaints were received regarding lack of notification of neighbouring planning applications. This process was changed during COVID-19; it has recently reverted to the original process whereby residents are notified once again.

Additional training for staff has also been provided, if necessary, following complaints received.

Outcome	Total for 2022/23	% for 2022/23
Upheld	18	15%
Partially Upheld	33	28%
Not Upheld	66	56%
Not Yet Decided (Ombudsman)	1	1%

- 3.8 The annual report letter from the Ombudsman for the period 01 April 2022 – 31 March 2023 shows the number of complaints received for Chichester as 14. During this period 13 complaints have been decided and 1 is awaiting a decision. Of the decided complaints for 2022-2023, 4 were closed after initial enquiries, 8 were referred to Chichester District Council for local resolution and 1 was upheld. The Ombudsman was satisfied that their recommendations for resolution of the upheld complaint, were successfully implemented. For further information about Chichester District Council's performance, please view this link <https://www.lgo.org.uk/your-councils-performance/chichester-district-council/statistics>

Table of results for Ombudsman Complaints, for Borough/District Councils within West Sussex and West Sussex County Council.

District	Investigated	Upheld	% Upheld
Chichester	1	1	100%
Arun	2	2	100%
Adur and Worthing	3	2	67%
Horsham	0	0	0%
Mid Sussex	5	1	20%
Crawley	2	1	50%
West Sussex CC	30	24	80%

3.9 When a customer is so satisfied with the service they have received, they email, write to us or comment on our website and we record this as a compliment. The number of recorded compliments was 150 across all services for the year ending March 2023.

4. Learning Points

Following the upheld and partially upheld complaints from customers, the Council have improved procedures and taken actions to put things right for customers as follows:

- 4.1 Additional training has been provided to staff where appropriate, including refresher training on the Planning Service for Customer Service Officers.
- 4.2 The newly implemented telephony system now facilitates a customer request to be called back automatically when an officer becomes available. The customer keeps their place in the queue but no longer needs to wait on the phone.
- 4.3 More payments are now able to be made online; work on this continues.

5. Summary

- 5.1 The primary purpose of investigating complaints is to resolve customer dissatisfaction where possible. However, by recording and monitoring the nature of complaints it is possible to identify trends or address issues to avoid further complaints and to improve service delivery and/or to contribute to a review of the policy.
- 5.2 Each Divisional Manager has access to monthly reports containing a summary of all complaints received for their service areas performance in dealing with complaints.
- 5.3 The website has the option to provide feedback on usability and usefulness on each page. This information is fed back to the services areas responsible for the appropriate page.

- 5.4 The Customer Service centre undertakes monthly performance monitoring with customers contacting the Council. This information is used to identify areas where service improvements may be made and is discussed with relevant service managers at monthly service liaison meetings.
- 5.5 All telephone calls to the Customer Service team are recorded and monitored. These recordings are used to mentor and train staff with a view to improving quality of service.
- 5.6 The Council have a Facebook, Instagram and Twitter account which is a quick and easy way for customers to make contact and provide feedback.

6. Freedom of Information Requests

- 6.1 The Freedom of Information (FOI) Act gives people the right to ask the Council for recorded information they have on any subject. If the request relates to environmental information, this will be handled under the Environmental Information Regulations (EIRs). We are required to reply within strict deadlines, giving the information requested, or explaining why we cannot provide that information.
- 6.2 From April 2022 - March 2023 we received 620 requests, 23 of these were redirected to other agencies.
- 6.3 95% of the 597 requests for CDC, were answered within the 20-working day deadline.
- 6.4 Collating responses to requests can take up a great deal of officer time and many requests continue to be received from the press or from commercial organisations. Of the 597 received in 2022/23, 26.6% were from Commercial organisations and 7.7% were from the press.

The legislation does not permit the Council to recover costs for the officer time involved unless the estimated staff costs exceed £450. Under these circumstances, we can refuse the request on grounds of cost, or charge the applicant £25 per hour for the estimated work.

During the 2022/23 financial year there was one request refused on the basis that the work involved would take two months or more of manual checking hardcopies at the depot. There was also a request whereby the applicant was advised that the work required would take more than the statutory time permitted and that the hourly rate would apply; the applicant withdrew their enquiry.

- 6.5 Some regularly requested information is posted on the Chichester District Council website for individuals and organisations to access; this helps to minimise officer time where possible.

7. Data Protection Requests

The General Data Protection Regulations (GDPR) provides individuals the right to access their personal information. In 2022-23 the Council received 10 requests from customers. We also received and responded to 4 police requests.

8. Improvements to Procedures and Publication

Utilise reports from Customer Services to publish more information on our website and improve our online services.

9. Proposal

- 9.1 To continue monitoring and recording formal complaints, freedom of information requests and subject data access requests.
- 9.2 To continue to provide feedback on performance to services areas to provide the opportunity to improve service delivery.
- 9.3 To continue to provide performance monitoring with the Customer Service Centre to gain customer insight and improve service delivery.

Resource and legal implications

There is a legal obligation to comply with the Freedom of Information and Data Protection Acts. Compliance does require a significant amount of staff time. The Legal team are able to assist and advise staff when dealing with requests.

10. Consultation

None

11. Community impact and corporate risk

None

12. Other implications

	Yes	No
Crime & Disorder:		√
Climate Change and Biodiversity:		√
Human Rights and Equality Impact:	√	
Safeguarding and Early Help:		√
General Data Protection Regulations (GDPR):	√	
Other (Please specify): eg health and wellbeing		√

13. Appendices

- 14.1 Appendix 1. Analysis of complaints, compliments, and Freedom of Information Requests.

14.2 Appendix 2. General description of complaints received and outcome.

14.3 Appendix 3. Compliments received.